

REMARKS

35 USC § 112 Rejections:

Claims 1-17 have been rejected under 35 USC 112, second paragraph as being indefinite. Claims 1 and 11 have been amended to remove the use of the term “about” from the phrases “at least about” and “less than about” to clarify the numerical limitations in these claims. These claims are believed to now be in allowable condition. Claims 2-10 and 12-17, respectively are dependent on amended claims 1 and 11 and thus, also believed to be in allowable condition for the reasons stated above for amended claims 1 and 11.

Claim Objections:

The Examiner has requested appropriate correction of claim 10. Claim 10 has been amended such that the article is comprised of the composition of Claim 1. This amendment is not new matter and is supported by page 7, line 26-27 of the WO 00/49081 publication of the present application.

Claims 9 and 17 are objected to because they contain the limitation of “inorganic filler” whereas the independent claims recite “mineral fillers”. The Examiner has requested proper correction. Claims 1 and 11 have been amended to contain the limitation of “inorganic filler” rather than “mineral filler”. Claims 2 and 3, dependent from claim 1, have also been similarly amended. Support for these amendments are found on page 4, line 18-26 of WO 00/49081. Claims 9 and 17, along with claims 1-3 and 11 are now believed to be in allowable condition.

35 USC § 103 Rejections:

Claims 1-17 are rejected under 35 USC 103(a) as being unpatentable over Ashima (US 3,926,873) in view of Metzemacher (US 5,827, 906).

The Examiner states on page 4, that the difference between the present invention and the prior art of Ashima is the teaching that the processability can also be improved utilizing saturated fatty acids, amount of the fatty acid and explicit recitation of the titanium dioxide.

The effects achieved according to Aishima are highly desirable and highly unusual in the field of Engineering Polymers, namely the simultaneous increase in both Izod impact toughness and modulus versus the unfilled polymer. Aishima clearly teaches the use of unsaturated fatty acids in order to achieve the desired results. No where does Aishima suggest that saturated fatty acids would be satisfactory substitutes although, there can be little question that Aishima would have been aware that saturated fatty acids existed. In fact, Aishima attributes the desirable results achieved to the reactivity of the double bond with the polymer matrix during melt processing. Aishima specifically teaches that free-radical initiators should

be added to enhance that reactivity. No comparable reactivity occurs with saturated fatty acids because they contain no double-bonded carbons.

Thus, Aishima actually teaches away from the instant invention. One of ordinary skill in the art in possession of Metzemacher and of Aishima at the time the instant invention was made, could not have found any inducement or suggestion in the art to substitute saturated acids for Aishima's unsaturated acids to achieve the unusual and desirable results achieved by Aishima. Indeed, taken as a whole, the art taught **not** to make the substitution of the instant invention. It is in fact quite surprising over the art that the desirable effects of present invention can be obtained without resorting to unsaturated fatty acids.

Saturated fatty acids are highly preferred over the unsaturated. Aishima's compositions would be expected to be less stable than those of the instant invention both thermally and photochemically. Furthermore, saturated fatty acids are in widespread commercial use, are readily available, and cheap whereas unsaturated fatty acids are less common and more expensive. And, the process of the instant invention is less complex and easier to control than that of Aishima.

Thus the claims 1-17 are believed non-obvious over the prior art cited and thus in allowable condition. Reconsideration and allowance are respectfully requested.

Specification:

An abstract on a separate sheet in accordance with 37 CFR 1.72(b) as indicated in the Amendment to the Specification is attached. The attachment is substitute sheet page 22.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



TAMERA L. FAIR
ATTORNEY FOR APPLICANT
Registration No.: 35,867
Telephone: (302) 892-7948
Facsimile: (302) 992-3257

Dated: June 18, 2003

Encl: Substitute Sheet - Abstract

S:\Patent Documents\Eng. Polymers\CL-1375\U. S\CL-1375 amend _061703.doc

ABSTRACT

A composition and method for forming a polyamide composition of molded articles that exhibit desirable combinations of stiffness and impact resistance, wherein the composition contains a mineral filler.